

IN AND BEFORE THE OKLAHOMA STATE BOARD
OF MEDICAL LICENSURE AND SUPERVISION
STATE OF OKLAHOMA

FILED

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)

SEP 25 2008

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)
)

v.)

Case No. 06-05-3103

DAVID EARL LINDEN, M.D.,)
OKLAHOMA MEDICAL LICENSE NO. 14324,)

Defendant.)
)

COMPLAINT

COMES NOW the Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Complaint against the Defendant, David Earl Linden, M.D., alleges and states as follows:

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physician in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.*

2. Defendant, David Earl Linden, M.D., holds Oklahoma medical license no. 14324.

3. On or about November 3, 2006, after examining the exhibits introduced and hearing the testimony of the witnesses, the Board entered a Final Order of Suspension whereby Defendant was **SUSPENDED** for forty-five (45) days beginning November 3, 2005, to be followed by a three (3) year term of **PROBATION**. Defendant's suspension and probation were based upon sexual misconduct and prescribing medications without a sufficient examination and the establishment of a valid physician patient relationship. The Order provides that Defendant shall be on **PROBATION** as follows:

H. Defendant will enter and continue treatment with a therapist approved in writing by the Board Secretary. Defendant will authorize in writing the release of any and all records of that treatment to the Board or its designee. Defendant shall additionally submit quarterly reports from his therapist to the Board Secretary

for his review. The reports shall reflect feedback from Defendant's staff and from his patients, as well as feedback from polygraph testing every six (6) months, to confirm that Defendant has not been involved in behavior that involves professional sexual misconduct or inappropriate prescription writing. Defendant's therapist shall be required to read the report from the Behavioral Medicine Institute of Atlanta and to verify to the Board Secretary that they have done so. If at any time the therapist believes that Defendant poses a safety risk to his patients, the therapist shall immediately notify the Board. Defendant will remain in treatment with his therapist until both the therapist and the Board Secretary authorize his release from treatment.

4. The provisions cited above have not been modified or deleted but remain in full force and effect as terms and conditions of Defendant's licensure under the terms of the Final Order of Probation.

5. Although Defendant has been on probation since January 19, 2007, he has never submitted to a polygraph examination as required by his Board order. Defendant additionally has not submitted quarterly reports from his therapist, and the reports which have been submitted do not reflect feedback from Defendant's staff and his patients.

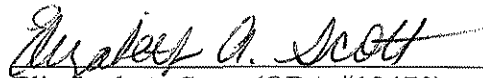
6. Defendant is guilty of unprofessional conduct in that he:

A. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).

Conclusion

WHEREFORE, the Plaintiff respectfully requests that the Board conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to Defendant's medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



Elizabeth A. Scott (OBA #12470)

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Attorney for the Plaintiff